

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VICTOR MANUEL GOMEZ CRUZ,
Petitioner,
v.
WARDEN,
Respondent.

No. 2:23-cv-0664-DJC-KJN P

ORDER

Petitioner, a federal prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 08, 2023, the Magistrate Judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party filed objections to the findings and recommendations.

Although it appears from the file that Petitioner's copy of the findings and recommendations was returned, Petitioner was properly served. It is Petitioner's responsibility to keep the Court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully

effective.

The Court presumes that any findings of fact are correct. See *Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are reviewed de novo. See *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis.¹

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 08, 2023, are adopted in full; and
2. This action is dismissed for failure to prosecute.

IT IS SO ORDERED.

Dated: **November 2, 2023**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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¹ A certificate of appealability is not required for an appeal from the denial of a petition for writ of habeas corpus brought pursuant to 28 U.S.C. § 2241. See 28 U.S.C. § 2253; *Harrison v. Ollison*, 519 F.3d 952 (9th Cir. 2008).